

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

HEADWATER RESEARCH LLC

*Plaintiff,*

v.

SAMSUNG ELECTRONIC CO., LTD and  
SAMSUNG ELECTRONICS AMERICA, INC.,

*Defendants.*

Case No. 2:22-CV-00422-JRG-RSP

**DEFENDANTS' UNOPPOSED MOTION TO AMEND DOCKET CONTROL ORDER**

Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Samsung” or “Defendants”) respectfully file this Unopposed Motion to Amend the Third Docket Control Order and would show the Court as follows. Plaintiff Headwater Research, LLC (“Headwater”) does not oppose the Motion.

The parties have been working diligently throughout this expert discovery period to prepare and serve expert reports. Additionally, the parties have been negotiating in good faith over an expert deposition schedule that accommodates both parties’ and the experts’ schedules. Given the volume of patents and claims asserted and number of experts involved, finding a workable scheduling arrangement for expert depositions within the current expert discovery period has proven difficult. Compounding this, certain experts have unavoidable conflicts within the current discovery period. In light of these scheduling conflicts, good cause exists for the proposed schedule modifications.

Samsung respectfully submits that a small extension to the expert discovery period, including a small extension to the dispositive/*Daubert* motion related deadlines, would help to

alleviate the aforementioned scheduling conflicts and allow the parties to proceed with expert discovery with better efficiency. Headwater does not oppose.

No other deadlines will be affected by this amendment, nor will there be any disruption to the trial schedule. Under the requested extensions, responses to dispositive/*Daubert*/strike motions would be due four days later than currently scheduled, which is still nearly six weeks prior to the pre-trial conference.

Samsung represents that this Motion is not filed for the purposes of delay but rather so that justice may be served.

Accordingly, Samsung respectfully requests that the Court grant this Unopposed Motion to Amend the Third Control Order (Dkt. No. 125) as follows:

Original Date	Amended Date	Event
May 20, 2024	May 24, 2024	*Response to Dispositive Motions (including <i>Daubert</i> Motions). Responses to dispositive motions that were filed <u>prior</u> to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order. <sup>1</sup> Motions for Summary Judgment shall comply with Local Rule CV-56.
May 6, 2024	May 10, 2024	*File Motions to Strike Expert Testimony (including <i>Daubert</i> Motions)  No motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.

---

<sup>1</sup> The parties are directed to Local Rule CV-7(d), which provides in part that “[a] party’s failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by movant and has no evidence to offer in opposition to the motion.” If the deadline under Local Rule CV 7(e) exceeds the deadline for Response to Dispositive Motions, the deadline for Response to Dispositive Motions controls.

		<p>*File Dispositive Motions</p> <p>No dispositive motion may be filed after this date without leave of the Court.</p> <p>Motions shall comply with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u></p>
May 6, 2024	May 10, 2024	Deadline to Complete Expert Discovery
April 30, 2024	May 9, 2024	Deadline to Complete Expert Discovery

Dated: April 19, 2024

Respectfully submitted,

By: /s/ Benjamin K. Thompson  
Ruffin B. Cordell  
TX Bar No. 04820550  
Michael J. McKeon  
DC Bar No. 459780  
mckeon@fr.com  
Jared Hartzman (*pro hac vice*)  
DC Bar No. 1034255  
hartzman@fr.com  
Joshua Carrigan (*pro hac vice*)  
VA Bar No. 96911  
carrigan@fr.com  
**FISH & RICHARDSON P.C.**  
1000 Maine Avenue, SW, Ste 1000  
Washington, D.C. 20024  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331

Thad C. Kodish  
GA Bar No. 427603  
tkodish@fr.com  
Benjamin K. Thompson  
GA Bar No. 633211  
bthompson@fr.com  
Nicholas A. Gallo (*pro hac vice*)  
GA Bar No. 546590  
gallo@fr.com  
Steffen Lake (*pro hac vice*)  
GA Bar No. 512272  
lake@fr.com  
Sara Fish  
sfish@fr.com  
GA Bar No. 873853  
Noah C. Graubart  
GA Bar No. 141862  
graubart@fr.com  
**FISH & RICHARDSON P.C.**  
1180 Peachtree St. NE, Fl. 21  
Atlanta, GA 30309  
Telephone: (404) 892-5005  
Facsimile: (404) 892-5002

Leonard E. Davis

TX Bar No. 05521600  
ldavid@fr.com  
Andria Rae Crisler  
TX Bar No. 24093792  
crisler@fr.com  
Thomas H. Reger II  
Texas Bar No. 24032992  
reger@fr.com  
**FISH & RICHARDSON P.C.**  
1717 Main Street, Suite 5000  
Dallas, TX 75201  
Telephone: (214)747-5070  
Facsimile: (214) 747-2091

John-Paul R. Fryckman (*pro hac vice*)  
CA Bar No. 317591  
**FISH & RICHARDSON P.C.**  
12860 El Camino Real, Ste. 400  
San Diego, CA 92130  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099

Melissa R. Smith  
State Bar No. 24001351  
Melissa@gillamsmithlaw.com  
Harry L. Gillam, Jr.  
State Bar No. 07921800  
gil@gillamsmithlaw.com  
**GILLAM & SMITH, LLP**  
303 South Washington Avenue  
Marshall, Texas 75670  
Telephone: (903) 934-8450  
Facsimile: (903) 934-9257

Andrew Thompson (“Tom”) Gorham  
State Bar No. 24012715  
tom@gillamsmithlaw.com  
James Travis Underwood  
State Bar No. 24102587  
travis@gillamsmithlaw.com  
**GILLAM & SMITH, LLP**  
102 N. College, Ste. 800  
Tyler, Texas 75702  
Telephone: (903) 934-8450  
Facsimile: (903) 934-9257

Grant Schmidt  
Texas Bar No. 24084579  
gschmidt@hilgersgraben.com  
Jon Hyland  
jhyland@hilgersgraben.com  
Texas Bar No. 24046131  
Theodore Kwong  
tkwong@hilgersgraben.com  
Texas Bar No. 4087871  
**HILGERS GRABEN PLLC**  
7859 Walnut Hill Lane, Suite 335  
Dallas, Texas 75230  
Telephone: 469-751-2819

**CERTIFICATE OF CONFERENCE**

Counsel for Plaintiff and counsel for Defendants have met and conferred in compliance with Local Rule CV-7(h). Plaintiff does not oppose this motion.

*/s/ Benjamin K. Thompson*  
Benjamin K. Thompson

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on April 19, 2024. As of this date, all counsel of record had consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

*/s/ Benjamin K Thompson*  
Benjamin K. Thompson